

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NOHEMI LAZCANO,  
Plaintiff,

No. C 05-03396 WHA

v.

JOHN E. POTTER, IN HIS OFFICIAL  
CAPACITY AS POSTMASTER GENERAL,  
Defendant.

**[PROPOSED]  
SPECIAL VERDICT FORM  
[discussed with counsel at 2/5/07  
charging conference]**

YOUR ANSWERS MUST BE UNANIMOUS.

**CLAIM ONE**

1. Has plaintiff proved by a preponderance of the evidence that she was subjected to a sexually hostile work environment during her employment with the United States Postal Service?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered “no” to Question 1, skip Questions 2 and 3 and go to Question 4. If you answered “yes” to Question 1, then answer Question 2.

2. Has plaintiff proved by a preponderance of the evidence that any sexually harassing conduct culminated in a tangible employment action?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered “yes” to Question 2, then you have found defendant liable on Claim One and must skip Question 3 and go to Question 4. If you answered “no” to Question 2, then answer Question 3.

3. Has defendant proved by a preponderance of the evidence that: (1) defendant exercised reasonable care to prevent and promptly correct sexually harassing behavior, and (2) that plaintiff unreasonably failed to take advantage of any preventive or corrective opportunities provided by defendant or unreasonably failed to otherwise avoid harm?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you have answered “no” to Question 2 and “no” to Question 3, then you have found defendant liable on Claim One. If you have answered “no” to Question 2 and “yes” to Question 3, then you have found defendant not liable on Claim One. Proceed to the next question.

### **CLAIM TWO**

4. Has plaintiff proved by a preponderance of the evidence her claim that she was retaliated against for engaging in activity protected under federal law?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered “yes” to Question 4, then you have found defendant liable on Claim Two. If you answered “no” to Question 4, then you have found defendant not liable on Claim Two. Proceed to the next question.

### **CLAIM THREE**

5. Has plaintiff proved by a preponderance of the evidence her claim that she was discriminated against on the basis of a disability?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered “yes” to Question 5, then you have found defendant liable on Claim Three. If you answered “no” to Question 5, then you have found defendant not liable on Claim Three. Answer the remaining questions only if you found liability on any of the three claims. If you have not

found liability on any of the three claims, then you are finished and you should sign and return the form in the envelope.

**DAMAGES (ALL CLAIMS)**

6. Has plaintiff proved by a preponderance of the evidence that she suffered actual injury, damage or harm caused by the acts or omissions of any of the agents of the United States Postal Service?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered “no” to Question 6, skip Question 7 and go to the conclusion. If you answered “yes” to Question 6, then answer Question 7.

7. State the amount of any damages proven by plaintiff as a result of defendant’s acts or omissions. If you award damages on multiple claims, you must also indicate a total to eliminate any overlapping damages and to prevent double counting.

\$ \_\_\_\_\_

**CONCLUSION**

ONCE YOU HAVE FINISHED ANSWERING THE NECESSARY QUESTIONS UNANIMOUSLY, PLEASE HAVE THE FOREPERSON SIGN AND DATE THIS FORM. THEN CONTACT THE DEPUTY OR MARSHAL TO INFORM HIM OR HER THAT YOU HAVE COMPLETED YOUR DELIBERATIONS.

Dated: February \_\_\_\_, 2007.

\_\_\_\_\_  
Foreperson